





# TWENTY-SIXTH CONGRESS. FIRST SESSION.

IN SENATE,  
MONDAY, December 2, 1839.

At 12 o'clock, the Senate was called to order by the Hon. W. R. King of Ala., president pro tem. When the following Senators appeared in their seats:

MAINE.  
Mr. Williams, Mr. Ruggles.  
NEW HAMPSHIRE.  
Mr. Hubbard, Mr. Pierce.  
MASSACHUSETTS.  
Mr. Davis, NEW YORK.  
Mr. Wright, (One vacancy.)  
NEW JERSEY.  
Mr. Wall, Mr. Southard.  
PENNSYLVANIA.  
Mr. Buchanan, (One vacancy.)  
DELAWARE.  
Mr. Clayton, (One vacancy.)  
VIRGINIA.  
Mr. Roane, (One vacancy.)  
NORTH CAROLINA.  
Mr. Brown, Mr. Orange.  
SOUTH CAROLINA.  
Mr. Calhoun, GEORGIA.  
Mr. Lumpkin, ALABAMA.  
Mr. King, Mr. Clay.  
MISSISSIPPI.  
Mr. Walker, TENNESSEE.  
Mr. White, KENTUCKY.  
Mr. Crittenden, Mr. Clay.  
OHIO.  
Mr. Allen, INDIANA.  
Mr. Smith, ILLINOIS.  
Mr. Robinson, Mr. Young.  
MISSOURI.  
Mr. Lion, Mr. Benton.  
MICHIGAN.  
Mr. Norvell, (One vacancy.)  
ARKANSAS.  
Mr. Fulton.

Mr. ALLEN presented the credentials of the Hon. Benjamin Tappan, elected by the Legislature of the State of Ohio a Senator from that State, to serve for six years, from the 4th of March last.

Mr. SMITH of Indiana, presented the credentials of the Hon. Albert B. White, elected by the Legislature of the State of Indiana a Senator from that State, to serve for six years, from the 4th of March last.

Mr. CRITTENDEN presented the credentials of the Hon. Thaddeus Betts, elected by the Legislature of the State of Connecticut a Senator from that State, to serve for six years from the fourth of March last.

The usual oath was then administered by the Chair to Messrs. Tappan, White, and Betts, whose credentials were just read; and to Messrs. Benton, Southard, and Williams, whose credentials were presented at the last session.

On motion of Mr. Walker,  
Ordered, That the Secretary inform the House of Representatives, that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

On motion of Mr. Wright,  
Resolved, That a Committee be appointed to join such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and inform him that a quorum of the two Houses had assembled, and that Congress is ready to receive any communications he may make; whereupon,  
Messrs. Wright and Allen were appointed the Committee on the part of the Senate.

On motion of Mr. Knight, the usual order for furnishing Senators with newspapers, not to exceed the price of three daily papers, was agreed to.

## SMALL NOTES IN THE DISTRICT.

Mr. BUNTON gave notice that, at the earliest day in which it would be in order to do so, he would ask leave to bring in a bill providing for the summary collection of the notes of the banks in the District of Columbia, under the denomination of twenty dollars.

On motion,  
The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, Dec. 2, 1839.

This being the day set apart by the Constitution for the assembling of the two Houses of Congress, at 12 o'clock, the Clerk (Mr. Garland) called the House to order, and said:

According to the usual practice, gentlemen, I am prepared, if it is the pleasure of the House, to proceed to call the names of members of Congress, elected to the Twenty-sixth Congress, first session. The Clerk then called over the names of the following gentlemen, who appeared to be in their seats:

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1 District, Nathan Clifford.  
2 " Albert Smith.  
3 " Benjamin Randall.  
4 " George Evans.  
5 " Virgil D. Parrie.  
6 " Hugh J. Anderson.  
7 " Joshua A. Lowell.  
8 " Thomas Davee.  
NEW HAMPSHIRE.  
Tripart Shaw.  
Ira A. Eastman.  
Charles G. Atherton.  
Edmund Burke.  
Jared C. Williams.  
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5 " Truman Smith.  
6 " John H. Brockway.  
VERMONT.  
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2 " William Slade.  
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4 " William Parmenter,  
5 " Levi Lincoln,  
6 " George N. Briggs,  
7 " William B. Calhoun,  
8 " William S. Hastings,  
9 " Henry Williams,  
10 " John Reed,  
11 " John Quincy Adams.  
RHODE ISLAND.  
Chosen by General Ticket.  
Joseph L. Tillinghast,  
Robert B. Cranston.  
NEW YORK.  
1 District, Thomas B. Jackson,  
James de la Montayne,  
2 " Oeden Hoffman,  
Edward Curtis,  
3 " Moses H. Grinnell,  
James Monroe,  
Governor Kemble,  
4 " Charles Johnson,  
Nathaniel Jones,  
5 " Rufus Pelen,  
Aaron Vanderpoel,  
6 " John Ely,  
Hiram P. Hunt,  
7 " Daniel D. Barnard,  
Anson Brown,  
8 " David Russell,  
Augustus C. Hand,  
9 " John Fine,  
Peter J. Wagoner,  
10 " Andrew W. Doug,  
John G. Floyd,  
11 " David P. Brewster,  
Thomas C. Crittenden,  
12 " John H. Prentiss,  
Judson Allen,  
13 " John C. Clark,  
S. B. Leonard,  
14 " Amasa Dana,  
Edward Rogers,  
15 " Nehemiah H. Earl,  
Christopher Morgan,  
16 " Theron R. Strong,  
Francis P. Granger,  
17 " Meredith Mallory,  
Seth M. Gates,  
18 " Luther C. Peck,  
Richard P. Morris,  
19 " Mallard Fillmore,  
Charles F. Mitchell.  
NEW JERSEY.  
Joseph F. Randolph.

When the Clerk arrived at this part of the roll, he stated that there was conflicting evidence with regard to the election of five members from this State, and asked if it was the pleasure of the House that he should pass over their names until the call of the balance of the roll was completed.  
Mr. MAXWELL wished to know what this evidence was, or whether the usual evidence was produced on both sides.  
The Clerk asked if it was the pleasure of the House that he should make a statement as to the usual course of proceeding?  
Several members called for the reading of the evidence.  
The Clerk then read the commission of Mr. Averigg, signed by Governor Pennington, and stated that there were five other commissions in his possession in the same style.  
Mr. MERCEK then called for the reading of the law of New Jersey on this subject.  
Mr. CAVE JOHNSON desired that the evidence on the other side be read by the Clerk before the law was read to the House.  
Mr. MERCEK stated that his object in having the law read at this stage of the proceeding was to show what could be received as evidence by this body.  
Mr. VANDERPOEL contended that all the facts should be laid before the House before the law was read. In the present case, there were conflicting returns and conflicting evidence, and it seemed to him that it would be more in order to read the evidence on both sides before the law was read, than to read the law at the present time.  
Mr. TILLINGHAST thought the most proper course would be for the Clerk to read the law now, so that the House might be enabled to decide what could be received as evidence in relation to this matter. When this body heard the law read, then it could decide whether the paper on the other side could be read as evidence.  
Mr. JENNER wishes to know of the Clerk, whether there were any other returns in his possession from New Jersey, signed by the Governor of that State, than the six which had been referred to? If there were not, why not proceed to call the roll in the usual manner?  
The Clerk here asked if it was the pleasure of the House that he should make a statement in relation to this matter.  
Mr. RIVES respectfully suggested the propriety of laying this motion on the table for the present, in order that the roll might be called through, to ascertain whether there was a quorum of members present. At present nothing could be done. He, therefore, hoped that the members present would acquiesce in a motion of this kind, in order that the House might immediately proceed with its organization; after which this question could be brought up and acted upon.  
Mr. MAXWELL contended that they ought not to adopt this suggestion unless some good reason could be given for passing over the State of New Jersey. There had been sent on to the Clerk certificates in the usual form, which have been read; and it seemed to him that it would be an extraordinary course to pass over the State of New Jersey, after these certificates had been produced.  
The Clerk then said that there were three propositions brought to the notice of the body—one to read the law, the other to read the testimony in the possession of the Clerk, and the third to pass over the State of New Jersey until it was ascertained whether there was a quorum in attendance in the House.  
Mr. WISE said that before any motion was put to the body, he wished to know who was to vote on the motion to lay this question on the table. Had the names of a quorum been called over? If not, who were entitled to vote on this question? If the question was put before the roll was called over, who was entitled to vote? Would the Clerk answer what was the usual course in a case of this kind? Had he (Mr. W.) a right to vote on this question?  
The Clerk said it was not for him to decide as to what course the House ought to pursue in relation to this matter.  
Mr. WISE. Has any member a right to move to lay this matter on the table?  
The Clerk said that would be a matter for the House to decide.  
Here a very stormy debate ensued which lasted the whole day, during which several members took part in support of, and against the course of the Clerk, but as the debate on the first day does not present the points involved in so forcible and pointed a manner as those on the second, we have selected a portion of the second day's proceedings, in which will be found the speeches of Messrs. White, and Wise, on the part of the Whigs, and of Messrs. Vanderpoel, and Weller on the part of the Administration. From these our readers will gather the fact that the whole matter growing out of the New Jersey elections made a party question, and so equally are the parties balanced, that unless some concession takes place on this and other points touching the organization of the House,

we cannot predict when it will end,—but to the proceedings.

## HOUSE OF REPRESENTATIVES.

TUESDAY, Dec. 3, 1839.

At 12 o'clock, Mr. Hugh A. Garland (Clerk of the former House) called the House to order, and stated that the gentleman from North Carolina (Mr. Bynum) had possession of the floor at the time of the adjournment on yesterday, and, with the permission of that gentleman, he would beg leave to make a respectful appeal to the House.—No man, said Mr. G., feels more than I do the delicacy and difficulty of his position. From the beginning I have felt a high responsibility resting upon me, and before God and my country, I assure you I have had but one motive, and that was to do my duty justly and impartially, without regard to personal or party considerations. I have been placed in a novel and unprecedented situation.—All the cases of contested elections heretofore presented, have been presented to the House of Representatives itself, upon the petitions of the claimant members, and the Clerk had nothing to do with them. The only variation from that rule was in the case of Messrs. Moore and Leitcher, of Kentucky. Both these gentlemen presented themselves before the House, and claimed the right to have seats, and the House was compelled to take the matter into consideration; and the House might perhaps, have remained unorganized for a fortnight, if these two gentlemen had not voluntarily withdrawn their case until after the organization. The present case however, was one entirely different from the one referred to. The difficulty in the present case was presented to the Clerk himself. Conducting evidence was brought into his office, and what was he to do? What was I to do in this case? Was I to take upon myself the powers of the House of Representatives—the powers which the Constitution has given to it to decide on the qualifications of its members? I assure gentlemen that I have felt the delicacy of my situation, and I have labored assiduously to be enabled to come to correct conclusions in relation to this question. I therefore, now respectfully appeal to this body, to permit me to make a statement which I have prepared in justification of my course on the present occasion; and I think the request is not unprecedented, when the conduct of a public officer has been brought in question, as mine has been on the present occasion.  
Mr. Jenner asked if the Clerk designed to review his decision of yesterday, and call the members from New Jersey, so that the House might go on without his interference.  
The Clerk stated that he had taken the course on yesterday, which he felt it to be his duty to take, and he could not depart from it until he was satisfied that his course was then wrong. All he now asked, was to make a respectful appeal to the House, and lay before gentlemen the grounds and motives which induced him to take the course he had taken.  
Mr. WISE thought it due to the Clerk—in the situation which usage, if not law, and usage in this case regarded as law, had placed him—to be permitted to make a statement. He was very desirous to hear a statement, and doubtless other gentlemen were desirous to hear a statement, of the reasons why the Clerk had not discharged the duty which law and usage had imposed upon him. He hoped, therefore, that all gentlemen would acquiesce in hearing this statement, and perhaps their action might be influenced by it. It was only persuasive, and not authoritative; and certainly he thought gentlemen ought to agree to hear any evidence on the subject which the Clerk might have to present. Some called for the reading of the law on yesterday, some for the reading of the certificates, and some desired that the names of the five members from New Jersey might be called; and as he made no statement on yesterday why the names were not placed on the roll, and called, he thought this statement ought now to be heard by universal consent.  
When Mr. W. resumed his seat, there were cries to the Clerk to "Go on."  
Mr. White of Kentucky said, for one he entered his solemn protest against the reading of this prepared document by the Clerk. He asked if the Representatives of the people were to have their business interrupted by their Clerk, and to sit there to hear a prepared statement read from the Clerk's desk, calculated, if not drawn up, for the purpose of making a false impression in the country; and he thought, when his friend from Virginia (Mr. Wise) agreed to hear this statement read, he had not reflected sufficiently on the subject. In his view, it was no matter who rose and objected here—it was no matter what the newspapers of the country had published—it was no matter what affidavits the leaders of New Jersey had sent in to arrest the laws of New Jersey. It was the duty of the Clerk to take the evidence produced, in conformity to the laws of New Jersey, and it was not his duty to rise and make statements here in relation to the matter. Suppose the Clerk did go on and make this statement, would we go on and discuss this matter coolly where we left off? No, sir. The moment that he was done, new points would be raised, and we would be involved in greater difficulties than we are at present. We would have difficulty enough in deciding the matter, if we went on discussing this matter now without permitting new points to be raised by the Clerk; and he protested against hearing any statement from him.  
Mr. WISE was sorry to be thrust into a debate with his own friends; but he thought if the gentleman from Kentucky would listen to what he had to say, he could convince him that it was proper, legal, formal, and orderly, that the Clerk should make this statement. It was true that the Clerk was not technically an officer of the House; but by the law of usage and necessity, he was always permitted to hold the place which he now held. He was the quondam Clerk of the last Congress, and presented himself here first to render to his successor in office the records of the House; secondly, the Clerk was here by the law of usage, and the ordinances of 1795, imposed the duty upon the Clerk of the last Congress to keep a roll of members of Congress and to call over that roll at their meeting.  
Mr. W. here read the ordinance of 1795; and also a resolution of 1791, to show that the Clerk was sworn to perform this duty. He contended that by this resolution, if the Clerk was sworn to perform this duty, and that, if he did not perform it, he would be disregarding his duty. He was under a moral obligation to perform it; but the members of the House were not under the moral obligation, inasmuch as no oath had been yet administered to them. The Clerk was bound by an oath to perform his duty, but the members of the House were not under this sacred obligation. The Clerk was bound by his oath to discharge his duty, but the members of the House were presumed to be partisans. They were presumed to come from the heated mass of political fermentation. We come here (said Mr. W.) with all our partisan feeling—the blind and devoted slaves of party—but the Clerk was presumed to be above this political fanaticism. The Clerk was bound by his oath to be free from political influences, and by the resolution referred to, to be in office until he was succeeded by his successor. Mr. W. read the ordinance of 1795, prescribing the duties of the Secretary of Congress, and said if he had been on intimate terms with the Clerk, he would have gone to his room and appealed to him, as an officer by usage, if not law, as a Virginia gentleman, bound by a solemn oath to perform a certain duty, and as a Christian, who needs no oath to bind him to discharge the duty which this resolution and the law of usage imposed upon him. The Clerk had stated to the House on yesterday that he was not a judge, and verily he (Mr. W.) agreed that he was not a judge, and according to his view of the Constitution, no man here was a judge of his *prima facie* right to a seat on that floor. Neither the Clerk, nor any other man now present, could judge of his credentials. Under the Constitution he considered that, at the present stage of proceedings, they were in *transitu* between the House of Representatives and their constituents, and no one had the right to decide upon his credentials.  
Mr. W. then read the clause from the Constitution which gave to the States the power at present to regulate elections, cited the mode by which the Representatives from Virginia obtained their certificates of election, and contended that when that certificate was obtained, as it was there, from the sheriffs of their district, there was no power to prevent them from taking their seats in this House in the first instance. When a gentleman here presented the evidence that he was entitled to his seat, it was not the duty of the Clerk to decide judicially upon it. He was not a judicial officer, but a mere ministerial officer. His duty was merely to receive the evidence presented to him, and enter it. Had the Clerk the evidence in this case? If so, why did he not enter the names of the five New Jersey members upon the roll. The Clerk had said that he is not the person to decide the question who are entitled to seats, and has referred the matter to us; but we have no more right to decide it at present than he has; and the question will necessarily come back to the Clerk at last to be decided; and this was the view which he desired to press upon the Clerk and make him, as a man, understand above party, as a sworn officer, and as a Christian, do that directly, which he would be forced to do indirectly. The Clerk has said he was not to take upon himself to decide on this question, but refers it to the House, as if we were a convention of ministers, who had the power to decide on each other's credentials, but when you put the question as to whether the credentials of the five gentlemen from New Jersey shall be received, who shall vote upon it. Mr. Averigg and his political friends, or Mr. Dickerson and his political friends? In refusing to decide on this question, the Clerk does decide. The failure to enter the names of the five members from New Jersey has all the effect of a judgment—the potential effect of a judgment. It will be impossible for the House to decide upon this question, and it will devolve upon the Clerk or some one out of it to decide. We come back then, to you, Mr. Clerk, and you may as well exercise that judgment at once, which you will be compelled to do at last. He contended that the evidence in this case was the certificate of the Governor of New Jersey, and that must be conclusive in the first instance, because the moment gentlemen attempted to go behind that, as some gentlemen had suggested on this floor, they converted this massive, unwieldy body into a Committee of elections, and it would have to go back to the people of New Jersey and be carried about from one district to another, to examine into the frauds which were generally committed on both sides at elections, which would lead them into interminable difficulties. The Clerk has said that he could not decide upon these certificates, but, at the same time, he has decided upon them. He has decided that Mr. Randolph has a certificate in the proper form, and has put his name upon the roll. Well if his certificate is properly presented to him, and in a proper form, are not the certificates of the other five New Jersey members in proper form? They are precisely in the same form of Mr. Randolph's. If his is good, theirs are good, and if his is bad theirs are bad. If the Clerk has not violated his duty in placing Mr. Randolph's name upon the roll, it cannot be a violation of his duty to place the names of Mr. Averigg and his colleagues on the roll. The certificate of the Governor in their case was *prima facie* evidence of their right to a seat, and neither the Clerk nor the House, at the present time, had the right to deprive them of taking their seats. Suppose (said Mr. W.) objection should be made to my taking my seat, because some one should pretend that he had a right to it; would I permit the Clerk to prevent me from participating in the organization of the House in such case? Has the Clerk any right or power under the Constitution and the laws, to prevent any body from exercising his right here, when he has the evidence that he has a right to his seat in his possession. No; the Clerk had no right to prevent him from taking his seat when he had his certificate in his pocket; and although he did not desire to preach revolutionary doctrines, he would not be put to the test for all that the world could give him. Neither you, Mr. Clerk, nor any one else here, had the right or the power, to judge on the matter which the seven sheriffs of my district alone have the right to decide.  
Mr. W. considered that the most proper mode of organization would be, for the Clerk to call over the States, and then each member could rise and present his credentials; and when they presented their credentials in the proper form, they were entitled to their seats, and there was no power to prevent them from taking their seats, and holding them until the House, after it was properly organized investigated the case. He considered the duty of the Clerk to be a plain and simple duty, and he again appealed to him as a sworn officer, to say whether it was not his duty to enter upon the roll the names of the gentlemen who had the certificate of the Governor of New Jersey under the broad seal of the State, whatever might be his convictions as to what ought to have been done by the Governor; and if the Clerk had to decide this question at last, indirectly, was it not better that he should decide it at once?  
In conclusion, he said that he desired to hear what the Clerk had to say and hoped he would be permitted to make the statement he had prepared, because he wished the Clerk to tell him, as a sworn officer, as a native born gentleman of his own mother State, and as a Christian, ready to answer before God and his country, why he had not discharged his duty in the present case.  
Mr. VANDERPOEL said, if there were any thing like concurrence in the views of gentlemen who supported those who came here with the certificate or commission of the Governor of New Jersey, the task of answering them would be much more simple and easy; but gentlemen had so many and such conflicting modes of attaining the same ulterior object, as at least to justify a suspicion that the object itself could not be a very defensible one. One seemed willing to trust the Clerk, and charged him with gross delinquency for not inscribing on his

roll the names of Mr. York and his associates. Other gentlemen seemed unwilling to trust him, and thought it best that we should pass over the contested seats until we got a quorum. To whom were the arguments, submitted by gentlemen, mainly addressed? Most of the speeches to which he had listened, had been addressed to the Clerk of the House; some severely arraigning his conduct, and others evidently designed to induce the Clerk to recede from the position he had taken. Now, did not common justice, he had almost said common decency, demand that the Clerk should have the opportunity of explaining? Why did gentlemen deny him this very reasonable privilege? Why, were gentlemen here, in *transitu*, anxious to exclude the light? Was this in accordance with the principle that induced them to include the evidence that went to show that the certificate of the Governor was in truth and to fact no evidence of the expressed will of the sovereign people of New Jersey, but that others actually deceived the majority? Had it come to this, that the voice of the majority of the people of a sovereign State was not only to be silenced by a mere form and technicality, but that a functionary who had taken a course that might, in its consequences, possibly give effect to that voice, was not to be allowed the opportunity of explaining and justifying his course, and that, too, after it had been announced upon in no sparing manner? He hoped his friend from Kentucky (Mr. White) would review the determination he had expressed, never to permit the Clerk to read the explanation he had proposed to submit to us. It was due to a functionary who he held responsible for official action, and whose decision had been so severely criticised.

Mr. V. said he had already remarked, that most of the speeches had been addressed to the Clerk, to induce him to abandon the position he had taken. Suppose he refused to recede—and it was not to be presumed that he had announced his decision without due consideration—what course then remained to us, if he remained consistent, but that proposed by the gentleman from Virginia, (Mr. Rives). His motion was, that we pass, for the present, over the contested New Jersey seats, call the roll of the members whose right to seats was not controverted; and then, having a quorum, we would be in a situation to decide, whether, before organization, all the claimants should stand back. No other alternative remained to us. If the Clerk did not inscribe the names of either set of the New Jersey claimants on his roll, we must, from the loss of necessity, by general consent, pass the contested seats, and postpone further action upon them until we procured a quorum competent to act. He had heard a great deal about the law of necessity. He acknowledged its full force and obligation upon this occasion. But there was another law to which we were here, in the discharge of our high duty, amenable; he meant that law of courtesy and propriety which should ever govern our deliberations here. He viewed the good tone and temper with which the debate had thus far been conducted, as an ample pledge that nothing unbecoming or unseemly would be attempted or uttered. To return, then, again to this universally respected law of necessity, he would ask whether it did not irresistibly drive us into the course suggested by the gentleman from Virginia, (Mr. Rives). The Clerk had decided, that in the present stage of our proceedings, no question could be taken.—And it must be so; for no roll having yet been called, and no quorum ascertained, any body would now have a right to vote. Could not such of the conflicting claimants from New Jersey claim and exercise the right of voting? What could prevent them? Why not vote as yet any other gentleman whose name had not yet been called? Here, then, we would exhibit the monstrously five more members voting within this bar, than the Constitution or the laws of Congress ever authorized to be elected to the House? We were then driven to the necessity, if our object were not disorganization, of passing over the contested members, and the list of the undisputed members as a compromise, and thus secure a tribunal to look into the matter.

[Here Mr. Wise asked Mr. V. to yield the floor, in order to ask him a question. Mr. V. said he would yield it for the purpose of explanation, but not to be catechized.]  
And here he would ask, whether, after the roll was called, and before the Speaker was chosen, an efficient action could be had upon this subject matter. He had no doubt on the subject. We were a House competent to act upon it at the moment the Clerk had finished calling the list of the members whose seats were not disputed. From the very necessity and fitness of things, a power remained to us to act upon matters of this description at that stage of our existence. We were a "House," before the Speaker was chosen. The Constitution had created us such, by means of the expressed will of the sovereign people of our respective districts. Parliament and Congresses existed long before Speakers. There was a sort of preliminary organization the moment the roll was called by the CLERK. And to sustain him in this position, he held very high authority, in a distinguished gentleman from Vermont, (Mr. EVERETT) whom he differed from in politics, but whom he always listened to with pleasure. He would bring to the aid of the gentleman from Vermont, who, before him, Mr. SLADE, the powerful aid of his colleague. He would now read an extract from his (Mr. EVERETT's) speech, which expressed his (Mr. V.) opinions with so much more force and perspicuity than he could express them, that he would adopt them as part of his argument. Mr. V. here read an extract from the speech of Mr. Everett, in the case of Claiborne and Gadsden as reported in the National Intelligencer of the 6th September, 1837, as follows:



rolls, and permit the villain not only to defile these seats, but to participate with us in our incipient, most important acts and deliberations? Are we indeed so impotent a body as all this would imply? Must the poisoned fruit of fraud and villainy not only be produced and reaped, but actually eaten, before we can interpose an effective veto to the production and participation of it? He would resist, and resist in an orderly manner, of course, long and most lustily, to avert such consequences; for they would involve the guarantee, that the potential voice of the majority of the sovereign people of New Jersey was most culpably disobeyed.

How far he would consent to act upon cases of contested elections before the election of Speaker and the organization of the House, in the common acceptance of the term, was another question. But we could, in this case, act far enough to enable us to determine whether one or the other set of gentlemen were elected, or, at all events, whether there was so much doubt on the subject as that it would be expedient that both should stand back until a Speaker was chosen and a Committee of Elections appointed. As to these two sets of credentials, the trial upon which would first enter was a trial of the record, and in order to this, nothing but an inspection of the record was necessary. The law of New Jersey declares "that the persons who have the greatest number of votes from the whole State, are the persons chosen by the people of New Jersey." Mind, sir, the law is emphatic; "the greatest number of votes from the whole State," not from part of the State, omitting the good old Democratic towns of Millville and South Amboy. The commission of the Governor, upon which Mr. YORKS and his associates rely, assumes the fact that they received the "greatest number of votes from the whole State." This is at least implied, if not expressed. The Governor then bases his commission upon a return of votes from the whole State—upon a record, purporting to show that the gentlemen whom he commissioned received the greatest number of votes. Their opponents come in and say there is no such record. You, Mr. Governor, based your certificate upon only part of the record. You remembered to forget that there were two such towns, named Millville and South Amboy, in the State; for you did not compute the votes of these towns. They adduce the actual return, or the evidence of the actual return, as filed in the Department of State, from which it appears that the record upon which the Governor has based his certificate, or commission, is partial and defective. It is not the true and genuine record. Would this not rebut the *prima facie* evidence of the certificate? *Prima facie*, sir! What was the good sense and nature of *prima facie* evidence? It was, that it stood good, until rebutted by other and higher evidence; but, according to the doctrine of gentlemen, it was not in its nature, *prima facie*, but conclusive—conclusive at least so far as to preclude a rebuttal until after the mischief was done; after the *prima facie* members had voted for Speaker, that high and responsible officer, who appoints your committees, the eyes and organs of the House. *Prima facie* evidence was, indeed, thus invoked; new and unheard of characteristics.

It was said by some, that we could not open the whole door, and go into the whole case before a Speaker was chosen. Here was the distinction, and in stating it, he would indicate how far he thought we might go in this our embryo state. We were, perhaps, not in a condition to purge the polls, to go beyond the ballot boxes, into the consideration of evidence designed to show that votes were given by disqualified persons; for such an inquiry would involve the examination of voluminous, and, no doubt, conflicting testimony; and this could not well be done without a committee; but we were competent to look at the record, to look at the returns, and see whether there was such a record as that upon which the Governor bases his certificate. How feasible was our course after the roll was called, if we went only to the extent that his remarks would commit us; and this would be all that was necessary for the purpose of this case. This was a *casus in rem*. The distinction between this and the ordinary cases of contested elections, which were not entertained till after our complete organization, was, that here the question arose upon the return, not upon the merits, in the more enlarged sense of the word. The question was not, whether a majority was produced by the votes of disqualified voters, but whether the whole and true result of the votes actually given and returned to the Governor had been returned to us; and this being a point of easy ascertainment, no good reason could be assigned why we should not entertain the question, at least so far as to set mere pretenders aside till the House was completely organized.

These (said Mr. V.) were his views and answers to the technical points—the mere questions of form—raised here, to preclude us from looking at the real truth and justice of the case; but he was free to confess that he was impelled to, and fortified in, the course he took, by other and higher considerations than any to which he had yet adverted. It was, that his course favored popular liberty; that the right and truth and justice and conscience of the case were all against the pretenders who claimed seats here, merely "because of their name." He implored the House not to acknowledge itself so impotent, or so mystified by form, as to be blinded to substance; not to promulgate to the world that the potent voice and will of the people of a sovereign State, constitutionally expressed, could here be practically frustrated and drowned, even for a season, by the pitiful squeaking notes of form and technicality.

Mr. Weller said the question presented to the consideration of that assembly, (for it could not yet be called a House,) it appeared to him, was a very singular one. The motives of the Clerk in omitting to call the Whig claimants from New Jersey had been impugned, and he had asked their permission to state the facts in the case, as shown by the papers filed in this office, and the reasons upon which he had acted. He was utterly astonished to find men on that floor denying this privilege to the Clerk. He would ask the gentlemen of the Opposition why it was that they were unwilling to have all the facts? Were they afraid to let the Clerk state to the House the facts upon which he was led to submit this question of right to the House? Do they fear that a full and fair exposition of the evidence, will show that these "certificate gentlemen" are not entitled to their seats? For his own part, he wished to see the evidence in this case laid before this assembly, and before the country. Let the people see how the gentlemen in the Opposition had sought to trample upon their rights—how Governor Pennington and his Privy Council had attempted to place men in this Hall whom they had rejected. He said he understood that there was evidence on the Clerk's table, showing beyond a reasonable doubt that the Democratic claimants received a majority of the people's votes, and that the Governor and his Council had usurped the rights of the people by commissioning others. What was the duty of the Clerk, then, under these circumstances? He should proceed to enroll, as members of this House,

men who, so far from being sent here by the people, had been rejected by them? He apprehended not. He (the Clerk) was bound under the solemnities of his oath to pass them by, for it was impossible to decide who were entitled to the seats. Let both sets stand back until the House is organized, when a full and fair investigation could be had. Mr. W. said he was unwilling to take a seat alongside of those who, so far from coming here endorsed by the people, come here with a protest on their backs. He was unwilling that they should be permitted to vote on any question, until their right to seats here was determined.

But it had been said that they could not go behind the "certificate" of Governor Pennington, given under the "broad seal" of the State! Gentlemen appeared to attach some peculiar sanctity to seals! Were they not aware that there was an official document in the hands of the Clerk, under the "great seal" of the Secretary of State, showing that the Democratic claimants received a majority of the people's votes, as it appears by the records in his office? If they were ignorant of that fact, it was their own fault, for they had refused to hear the papers read. Shall we, he asked, suffer Governor Pennington, with his "great seal," to manufacture members for the people in direct opposition to their expressed wishes? He trusted not. He hoped, for the honor of this nation, that they would not suffer so gross an outrage to be perpetrated on the rights of the people.

Much had been said by gentlemen in the Opposition about "the liberties of the people, constitutional rights," &c. He had as high a regard for the liberties of the people as any man on that floor; and it was to prevent Governor Pennington and his clique from destroying those liberties that he now addressed them. But, sir, (said Mr. W.) we are told that these certificates afford "prima facie" evidence that the claimants are entitled to the seats. This was not denied. It was *prima facie* evidence, but that evidence might be rebutted and destroyed by evidence of a higher character. Here, sir, we find upon the table of our Clerk, proof that those certificates had been given to men who received a minority of the popular vote. That evidence was abundant and conclusive. Let any man whose mind is not under the complete dominion of prejudice, examine it, and tell him whether there was yet evidence sufficient to warrant the Clerk of the House in placing these men in this Hall as members. Your "*prima facie*" evidence is rebutted by the most conclusive proof that the certificates are baseless. You may succeed, he said, in suppressing that evidence here, but the people of this country will have it, and they will do justice to this Whig Governor and his Privy Council.

Let the citizens of this Republic once understand all the facts in this case, and his word for it, they would set the "great seal" of condemnation upon this high-handed outrage upon their rights. He said it was emphatically a contest between the Governor of New Jersey and his Privy Council on the one side, and the people on the other. Shall the people elect their Representatives, or shall Governor Pennington do it for them? That was the question submitted to their consideration. Suppose, said Mr. W. there was proof that the certificates were false; he would ask whether they were now in a condition to pass upon that question? No! For the question, who was entitled to vote, would immediately arise, if a proposition be made to investigate it. They would then be compelled to decide upon the claims of these gentlemen to vote.

Mr. W. said he would ask what were these gentlemen depending upon, to give them seats? Not the votes of the people, but the mere technicalities of the law, and the broad seal of the State, fraudulently made use of by Gov. Pennington. This was, as he before said, a contest between that Governor and the people of New Jersey; and are gentlemen willing to sacrifice the dearest rights of the people, and sustain the Governor in his usurpations? The people had as much right to have a vote in electing a Speaker of this House as to vote in the enactment of a law, and it was their solemn duty to decide whether the people or the Governor should be represented in the election of that officer. There was sufficient proof upon the Clerk's table, that the Representatives of the people are entitled to vote upon this question, and not those of Gov. Pennington; that his certificates were untrue.

#### Go it Davidson.

UNITED IN WEDLOCK.  
In Davidson County, on the 29th ult., by Henry Grubb, Esq., Mr. ANDREW FRITZ to Miss CHARITY MICHAEL.

In Davidson County, on the 5th inst., by the Rev. Benjamin Loefer, Mr. WELTON SKBEN to Miss BARRY YARBROUGH. Also, on the same day, by Samuel Hargrave, Esq., Mr. JACOB HEDRICK to Miss CATHARINE MICHAEL. Also, on the same day, by George Riley, Esq., Mr. ALEX. SMITH to Miss CHRISTINA HEDRICK, daughter of Col. Philip Hedrick. Also, on the same day, by the Rev. Henry Goodman, Mr. JOHN CONRAD to Miss MARY ANN DARR.

**NEGROES FOR SALE.**  
WILL be sold, on the 1st day of January, 1840, at the Store of Thomas & J. S. Cowan, Wood Grove, Rowan county, three negroes, one old MAN and WOMAN.

one Boy about sixteen years old, belonging to the heirs of William Young, dec'd., sold for distribution among said heirs.

Terms made known on the day of Sale.  
MATTHEW L. STEELE, Guardian.  
December 13, 1839.

#### HORSES FOR SALE.

A PAIR OF YOUNG well broke NORTHERN HORSES, and a SINGLE NORTHERN TROTTER for Sale by JOHN I. SHAVER.  
Salisbury, Dec. 13, 1839.

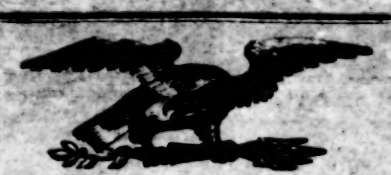
#### NOTICE.

I WILL hire, at the Court House, in the town of Salisbury, on the 1st of January next, for the term of one year, from 15 to 20 Negroes, belonging to the Estate of W. C. Love, deceased.

Terms made known on the day of Hire.  
R. W. LONG, Guardian.  
Salisbury, Dec. 13, 1839.

#### BUFFALO AND BEAR CREEK TEMPERANCE SOCIETY.

A MEETING of the above Society will be held at Mount Pleasant, Cabarrus County, on Friday, the 27th day of this month, commencing at 11 o'clock, A. M. It is expected that the meeting will be addressed by the Revs. Messrs. Penick, Schick, Rothrock, Johnson, and others.  
By Order of the Society.  
Cabarrus Co. N. C., Dec. 13, 1839.



## THE WESTERN CAROLINIAN

SALISBURY:

Friday Morning, December 13, 1839.

We are authorized to announce Col. REED and W. LONG as a Candidate for the office of Sheriff of Rowan County.

#### NEW JERSEY CONTEST.

The House of Representatives convened on Monday, the 2nd instant, and was called to order by the former Clerk, Mr. Garland, of Virginia. He then proceeded to call the names of the Representatives of each State, in regular succession. On coming to the State of New Jersey, he rose, and stated, that there were five seats, to which different sets of Gentlemen had presented claims, and not wishing to take the responsibility upon himself to decide between them, he would, with the permission of the House, pass over them all, until the roll was finished, and then leave the whole subject to the consideration of the House. When, in this stage of the proceedings, a most violent contest arose, and a debate was carried on for several days, without electing a Speaker, or organizing the House. Our advice is as late as Thursday evening, at which time, the debate was going on if possible, with increased warmth and animation. Several Gentlemen, for they could not, as yet, be called members, had spoken with great ability, and more preparing for the conflict. On the evening before, (Wednesday,) a writer in the Petersburg Intelligencer, says: "A scene of confusion arose, which beggars description, and if the description be correct, which that writer gives, well might Mr. Wise exclaim with emphasis, 'now we are a mob.'"

As far as we can comprehend the nature of the dispute, as disclosed in the debate, it is in substance as follows: At the late New Jersey elections for Congress which is by general ticket, the Whigs and Democrats ran each, a separate ticket. The result of the election was very close, but of the formal returns the Whigs had a majority of a few votes and the Governor without sending for the balance, gave to the Whig Candidates the certificates of election. But in the end, it turned out that the polls of two of the election precincts had been kept back, and not counted, and which when counted, would give the Democratic Candidates a majority of something less than one hundred votes. The question then under debate, is which party shall have the seats, the Whigs who hold the certificate of election, or the Democrats who have the majority of the votes of the State. If it should turn out that the Whigs hold their seats, then a Whig speaker will be elected, and so on the other hand, if the Democrats maintain their ground, and keep their seats, a Democratic speaker will be the result.

How the matter will terminate it is not in our province to conjecture, or whether it will end at all, without some concession by one or the other, or both of the parties, is a question of still greater doubt. We believe, however, judging from the general tenor of the debate, that this question would have created but little or no excitement, or consumed but little time, was it not for the circumstance, that the two parties are so equally divided. It shows us how far party feelings will lead men, when once enlisted. We allow now, not more to the one than to the other party; for the fact is, all parties are very much alike in the extremes to which they go.

**Gen. Harrison in Nomination.**—We learn from Washington city that "Gen. William H. Harrison has received the nomination for next President by the Harrisburgh Convention,"—no mention made of any other nomination, nor by what majority—it is a postscript to a letter, dated the 8th inst.,—the fact may be relied on.

#### CLAY THROWN OVERBOARD, AND HARRISON NOMINATED FOR THE PRESIDENCY.

As we fully expected, the Harrisburgh Convention have pushed Mr. Clay aside, and taken up old General Harrison, as the Candidate for the next President. What will our Federalists of the South and especially in this section of the country do? Will they continue to join with their Northern brethren, and go heart and hand for another military chieftain, and an avowed abolitionist? We will soon see. We shall not comment any further on this subject at present, than merely to remind the people of the 10th Congressional District, of one of the points of contest, between Mr. Fisher and his Federal opponents. They opposed Mr. Fisher every where, on the grounds that he would not come out, and pledge himself soul and body to Mr. Clay. Among other reasons advanced by him, against doing so, one was that in his opinion, Mr. Clay would not be ren.

He gave his reasons, and repeated them, that Mr. Clay would not be the Candidate. His opponent, on the contrary, said that Mr. Clay, and nobody else, would be the man.

Now we would ask, who has shown the most sagacity and foresight in this matter?—Mr. Fisher, or those who opposed him with such unparalleled vindictiveness and violence, throughout the District? Let the people judge.—Time is the test of all things. The present is a most important era in the existence of parties in this country; and it will require no long time to show, who has been right, or who wrong in the course pursued,—ourselves, or those Federal Whig papers that have been denouncing us.—We will now see who are Abolitionists, and who are not;—who Northern men, with "Southern principles," or "Southern men," with "Northern principles."

**House of Representatives.**—After four days' contention, and cross feeling, we see that they succeeded in making one step forward, by appointing the Hon. John Q. Adams, Chairman; not Speaker, but Chairman; until this was done, the House could not move at all, as there was no one to put questions, and all they did for days, was to make speeches.—This obstruction of the progress of the House, was occasioned wholly by the New Jersey elections.—The Resolution of appointing Mr. Adams Chairman, first contained the name of the Hon. Lewis Williams, but that gentleman refused to act. This deference was paid him, no doubt, from the fact of his being the "oldest member of the House."

We hope and trust for the interest and credit of our country, that the House, by this time, is fully organized, and ready for business.

**Mississippi.**—The Whig candidates for Governor, and for Congress in Mississippi, came out for Henry Clay for President, and for a United States Bank.—The battle was fought on these grounds, and the result has been, that they have lost the State by a large majority.—In our last paper, we stated that the State had gone for the Democratic candidates, by a large majority.—We now learn that the Governor was elected by 4,000 votes, and the candidates for Congress, by upwards of 9,000.—This was to have been expected, for it is beyond dispute, that neither Henry Clay, nor the Bank, will be sustained in the South.—The thing is too plain to be denied, and it is useless to pretend otherwise.—He must be blind, who does not see, and uncandid, who denies it.

#### FLORIDA WAR.

The Indians continue to commit the most terrible massacres in Florida.—They have, as will be seen in another part of our paper, lately approached within a few miles of St. Augustine, and murdered several persons.—Is it so, that the Government, with all its forces, cannot arrest, or destroy a few hundred savages? There must be bad management, or inefficiency, at the head of the War Department.—Would it not have been well for his Excellency, the Secretary of War, instead of spending the summer at the Lakes, and at the watering places at the North, to have made a reconnoissance of Florida, or at least, to have visited the safe places there, and devised some scheme to get rid of the cruel and merciless Seminoles? It seems to us, that it would have been more in the line of his duty.—The cost of the Florida War has already reached between 20 and 30 millions of dollars,—at least, so the papers state.

If this be so, it has been the most expensive War ever waged in ancient, or modern times.—It is time for Congress to look seriously into this matter, and do something to bring it to a close, or give the people of Florida to understand, that they can no longer look to the Government for protection, against the massacres, and murders of a savage foe.

**Portrait Painting.**—We have been favored with an opportunity of examining the Paintings of Mr. Bogle, who is now in this place.

He has taken the likenesses of several individuals with whom we are acquainted, and if we may be permitted to pass our opinion as to the merits of those we saw, we would say, that they add greatly to the fame of the gentleman, so generally acknowledged wherever he goes.

The likeness of our fellow townsman, Maxwell Chambers, Esq., is one of the most striking we ever saw.

We would invite our fellow Citizens, such at least, as have any taste for the fine arts, or a desire to have their portraits taken, to call and view for themselves.

Should Mr. Bogle continue to improve in the art as he has done since he last visited this place, there can be no doubt he will become a successful competitor with some of the best artists of the age.

**New Post Office.**—We are pleased to inform on Jersey Settlement readers, that the post office at Cotton Grove has been re-established, and James Wiseman, Esq., appointed Postmaster.

We learn, that the Postmaster General on receiving the petition from the citizens of the neighborhood, and having the statement of facts laid before him, did not hesitate a moment to re-establish the office. This post office, (Cotton Grove,) will be a great convenience to many of our readers, and they can now call there for their papers.

**South Carolina Bills.**—We are authorized to state that the Cape Fear Branch Bank in this place, receives in payment, and on deposit, the Bills of all the Banks in South Carolina, except those of George Town.

#### RAIL ROAD MEETING.

Pursuant to a notice published in our paper for some weeks past, a numerous assemblage of citizens met at the Court House in this town, last Wednesday; Dr. Thos. N. Cameron, was called to the Chair.—His Excellency Edward B. Dudley, Col. Cadwallader Jones, and C. P. Mallott, Esq., constituting the Board of Internal Improvement for the State, were present, and from this Board, a report was made by Governor Dudley, accompanied with a short address, "announcing the opening of the books of subscription, for stock in the Fayetteville and Western Rail Road Company, and the appointment of the Rev. Simon Colton as agent on the part of the Board to procure subscriptions. We are informed by an agent of the company that the amount of stock subscribed has already reached the sum of \$200,000.

Contractors from abroad, are requested to correspond with the Rev. Simeon Colton, of this place, on the subject of taking stock in this work. Every effort will be made to get the stock taken and we assure the public that the prospects at present, render it almost certain that the work will be commenced at no distant day.

Three cheers for old Cross Creek! Citizens of the West, rouse up from your indifference and send on your mites—Fayetteville will do her part! On the subject of the Rail Road we are authorized further to say—the Committee have despatched a special agent, appointed by the Governor, to Salisbury, Lexington, Greensborough, and other towns in the counties West of this place, to solicit immediate aid in the construction of this

railroad—this is done in order to secure the required additional subscription of these contractors who were present at the meeting, on Tuesday last. Only \$200,000 now remains to be subscribed before this great work will be put under contract. If that sum can be secured previous to the 15th of January—we are authorized to say, that a meeting of the stockholders will immediately be convened, and the work be commenced about the first of February.—North Carolinian, of Dec. 7.

We take great pleasure in copying the above from the North Carolinian, to show the citizens of Rowan and the surrounding country, what the East are doing in this great enterprise. We regret that our limits will not permit us to present the whole of the proceedings of the meeting, but enough is given we trust, to convince the most scrupulous, that the work will now go on. The citizens of Fayetteville and the Cape Fear, have set an example worthy to be imitated, and they only wait the action of the west, to commence the work.

If \$200,000 can be added to the amount already subscribed, we are assured that the work forthwith will be put under contract, and the ground broke by the first of February. This fellow citizens is cheering news indeed,—it comes like the voice of music on our ears, and shall we listen to the sound without doing our duty? Have we no part to take in this great work? Fayetteville has toiled the mark;—the State has acted a liberal part, and a special Agent for the company, Duncan G. McKee, Esq., is now among us, waiting our pleasure.

Shall his appeal be in vain? Will you after all your zeal, your Conventions and public pledges, back out, and leave the citizens of the Cape Fear to do the work?—For the honor of Rowan, and western North Carolina, we would hope not.—Come forward then, citizens of Rowan, and by your liberal subscriptions, show to your friends in the East that you are not disposed to withhold your means, when not only the fate of the Cape Fear Rail Road, but the general improvement of the State, is at stake. The citizens of the East, and the friends of internal improvement, all look to you for the consummation of this great work;—a work that, when completed, will open to you wealth and enterprise;—a work that will arrest the spirit of emigration, which, if not checked, will drive from your borders the wealthiest, and most talented citizens among you. Will you disappoint them in their expectations for the want of liberality; in short, for the want of means, when it is in your power to bestow them? Again we say, come forward then and put your names to the list—act like Patriots and friends in a noble cause, and we assure you that the work will soon triumph.

For the information of those who are desirous of subscribing to the Stock of the Cape Fear Rail Road Company, we would state, that Books are opened at the Bank in this place, under the direction of Commissioners appointed for that purpose.

#### MORE INDIAN OUTRAGES.

Office of the "News,"—St. Augustine, (E. F.)  
Nov. 23—7 o'clock, A. M.

On Monday last, the 23rd inst., the Mail wagon, owned by Government, and running between this city and Picoletta, left here at 9 o'clock, with Capt. Searle, Assistant Quarter Master of the Army, as passenger, followed by a young gentleman named G. Ponomantzy, a native of Stokheland in the dukedom of Posen, on his way to Black Creek. Arriving at the six mile post, the Polanders were fired upon and wounded, whilst at the same time, Capt. Searle received a ball passing into the spine. The driver whipped up his horses, and the Polanders rode ahead for some distance, and fell from exhaustion. He was assisted into the carriage by Capt. Searle and the driver, and succeeded in reaching the Fort at the 11 mile post, garrisoned by a part of Capt. Nickler's company, and known as the former residence of our estimable citizen Philip Weedman, Son. The Polanders died shortly after arriving at the post; and an express was dispatched to town for medical assistance.

Shortly after the Mail wagon had left this city, Mr. Philip Weedman, Jr., accompanied by his son, a youth about sixteen years of age, in an open wagon, together with Mr. H. Groves, on horseback, with the view of visiting his former residence, and which for some months he has not been at, since his being driven therefrom by the enemy. On arriving at the commencement of Long Swamp, distance only about four miles from town, he was fired upon and killed, having received two balls through his breast, and his little son receiving a ball in the head, boring the brain, and otherwise severely wounded by a knife. At this crisis, the express coming in for medical aid, appeared in sight, and the Indians fled. Mr. Groves being in advance at the time, escaped. The mutilated youth was brought to town, with the remains of his deceased father.

A negro man belonging to Mr. Bryan, and in the employ of the Government, had been sent that morning on horseback, with a led horse to take to Picoletta, and not having yet reached there, the inference is, that he was taken by the enemy. The fact is more than confirmed by young Weedman's statement, which is, that he saw a negro on horseback, a short distance from where the murderous fire was opened upon himself, and paroled.

That these occurrences should take place within six miles of our city, may well create alarm.—Within an area of sixteen miles, we have upwards of one hundred mounted men in the service of the United States,—hired for the express purpose of giving us security and protection.—If a system of scouting had been vigilantly kept up it would have been impossible for the enemy to have entered upon the Picoletta road, and committed this outrage. A scout was sent out on the day of occurrence, and returned at 6 o'clock the same evening. Every man who knew any thing of the Indian character knew that the enemy would not remain at the spot of murder, and the most probable effective manner of capturing him, would be by intercepting him on his return. This was the plan pursued by that energetic officer Gen. Jessup, and many captures were made by night movements. In this matter, we verily believe that the force garrisoning the Post at Hanson, Peyton and Weedman's are amply sufficient to keep the enemy south of us, provided they perform their duty as it should be done.

The funeral of the lamented Mr. Weedman took place on Tuesday last. It was attended by all of our citizens, exhibiting the deepest regret for his untimely end, and sympathy for his very numerous family.

On Tuesday the remains of Mr. Ponomantzy were brought into town and buried under the form of the Hebrew Church, of which he was a communicant.



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